

(c) *Notwithstanding any other provision of this subchapter, the department shall reduce by 50 percent any fee required for the issuance of an original, duplicate, modified, or renewed license under this subchapter if the applicant for the license is a veteran who, more than 365 days preceding the date of the application, was honorably discharged from the branch of the service in which the person served.*

SECTION 2. This Act takes effect September 1, 2007.

Passed by the House on April 4, 2007: Yeas 136, Nays 0, 2 present, not voting; passed by the Senate on May 8, 2007: Yeas 31, Nays 0.

Approved May 24, 2007.

Effective September 1, 2007.

## CHAPTER 201

### H.B. No. 365

#### AN ACT

relating to the exemption from regulation of certain charitable, religious, or civic organizations engaged in auction activities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 1802.002, Occupations Code, is amended to read as follows:

Sec. 1802.002. APPLICABILITY. This chapter does not apply to:

- (1) a sale conducted by order of a United States court under Title 11, United States Code;
- (2) a sale conducted by an employee of the United States, this state, or a political subdivision of this state in the course and scope of employment;
- (3) a sale conducted by a charitable, religious, or civic ~~or nonprofit~~ organization, including an organization having a tax exempt status under Section 501(c), Internal Revenue Code of 1986, or organized as a nonprofit entity, if the person organizing, arranging, or conducting the auction ~~auctioneer~~ receives no compensation;
- (4) a sale conducted by an individual of the individual's property if the individual is not engaged in the business of selling property as an auctioneer on a recurring basis;
- (5) a foreclosure sale of real property personally conducted by a trustee under a deed of trust;
- (6) a foreclosure sale of personal property personally conducted by:
  - (A) a person who holds a security interest in the property, including a mortgage; or
  - (B) an employee or agent of a person described by Paragraph (A) acting in the course and scope of employment, if:
    - (i) the employee or agent is not otherwise engaged in the auction business; and
    - (ii) all property for sale in the auction is subject to a security agreement;
- (7) a sale conducted by sealed bid;
- (8) an auction conducted only for student training purposes as part of a course of study approved by the executive director for auctioneers;
- (9) an auction conducted by a posted stockyard or market agency as defined by the federal Packers and Stockyards Act (7 U.S.C. Section 181 et seq.), as amended;
- (10) an auction of livestock conducted by a nonprofit livestock trade association chartered in this state, if the auction involves only the sale of livestock owned by members of the trade association; or
- (11) an auction conducted by a charitable or nonprofit organization chartered in this state, if the auction:
  - (A) is part of a fair that is organized under state, county, or municipal authority; and

(B) involves only the sale of property owned by the organization's members.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed by the House on March 28, 2007: Yeas 145, Nays 0, 2 present, not voting;  
passed by the Senate on May 10, 2007: Yeas 31, Nays 0.

Approved May 24, 2007.

Effective May 24, 2007.

## CHAPTER 202

### H.B. No. 518

#### AN ACT

relating to the detention and examination of certain persons for whom an application for emergency detention or a motion for an order of protective custody has been filed.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 573.021(b) and (c), Health and Safety Code, are amended to read as follows:

(b) A person accepted for a preliminary examination may be detained in custody for not longer than ~~48~~ [24] hours after the time the person is presented to the facility unless a written order for *protective custody* [~~further detention~~] is obtained. The ~~48-hour~~ [24-hour] period allowed by this section includes any time the patient spends waiting in the facility for medical care before the person receives the preliminary examination. [~~The period does not include any time during which the person is actually receiving necessary medical care in the facility's emergency room or emergency care in another area of the facility.~~] If the ~~48-hour~~ [24-hour] period ends on a Saturday, Sunday, legal holiday, or before 4 p.m. on the first succeeding business day, the person may be detained until 12 [4] p.m. on the first succeeding business day. *If the 48-hour period ends at a different time, the person may be detained only until 4 p.m. on the day the 48-hour period ends.* If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may, by written order made each day, extend by an additional 24 hours the period during which the person may be detained. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster.

(c) A physician shall examine the person as soon as possible within ~~12~~ [24] hours after the time the person is apprehended by the peace officer or transported for emergency detention by the person's guardian.

SECTION 2. Section 574.021(d), Health and Safety Code, is amended to read as follows:

(d) The motion must be accompanied by a certificate of medical examination for mental illness prepared by a physician who has examined the proposed patient not earlier than the ~~third~~ [fifth] day before the day the motion is filed.

SECTION 3. (a) The Department of State Health Services shall conduct a study of the effects the change in law made by this Act has on:

- (1) reducing the overall number of admissions to state mental health facilities; and
- (2) the number of admissions of persons to state mental health facilities for periods of less than 96 hours.

(b) The Department of State Health Services shall include in a report on the conclusions of the study information concerning relevant admissions to state mental health facilities:

- (1) during the 24-month period preceding the effective date of this Act; and
- (2) during the 12-month period following the effective date of this Act.